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HC Salon Holdings, Inc. t/a Hair Cuttery Family of Brands and Hair Cuttery*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ZEHOOR EL FERTAS,

Plaintiff,

v.

HAIR CUTTERY, HC SALON HOLDINGS,
INC., a/k/a HAIR CUTTERY FAMILY
BRANDS, REDKEN, L'OREAL USA,
OLAPLEX, LLC, JANE/JOHN DOE HAIR
STYLIST #1-3, ABC, INC. #1-3, XYZ, LLC,
#1-3 and XYZ, LLC #4-6,

Defendants.

CIVIL ACTION NO.: _____
(HONORABLE _____)

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1446, Defendant, HC Salon Holdings, Inc. t/a Hair Cuttery Family of Brands, *incorrectly identified* as “HC Salon Holdings, Inc. a/k/a Hair Cuttery Family Brands” (“HC Salon”), and Defendant Hair Cuttery,¹ in the Civil Action Complaint (“Complaint”), through their undersigned attorneys, pursuant to 28 U.S.C.

¹ “Hair Cuttery” is a trade name and is not a corporate entity.

§1441 *et. seq.*, file this Notice of Removal of this action from the Superior Court of New Jersey, Gloucester County – Law Division, in which it is now pending, to the United States District Court for the District of New Jersey, and in support thereof respectfully aver as follows:

1. HC Salon and “Hair Cuttery” have been named as defendants in a lawsuit filed in the Superior Court of New Jersey, Gloucester County – Law Division, Docket No.: GLO-L-001104-22.

2. In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint filed by Plaintiff on or about October 20, 2022, in the Superior Court of New Jersey, Gloucester County, is attached as **Exhibit A.**

3. HC Salon was served with the Summons and Complaint at its principal place of business in the Commonwealth of Virginia on October 26, 2022. See Affidavit of Service, attached as **Exhibit B.**

4. A copy of the Summons and Complaint was purportedly delivered to a Hair Cuttery salon located at 3501 Route 42 N., Turnersville, NJ 08012 on October 21, 2022. See Affidavit of Service, attached as **Exhibit C.**

5. Plaintiff is a resident of Camden County, New Jersey. See **Exhibit A.**

6. HC Salon is incorporated under the laws of the State of Delaware and has its principal place of business in the Commonwealth of Virginia.

7. Hair Cuttery is a trade name and is not a corporate entity.

8. Redken 5th Avenue LLC, who is named as a Defendant, is a limited liability company whose sole member is L’Oréal USA, Inc. L’Oréal USA, Inc. is incorporated in the State of Delaware and has its principal place of business in the State of New York.

9. Upon information and belief, Olaplex, Inc., formerly known as, and sued herein as Olaplex, LLC, is incorporated in the state of Delaware, with a business address in Santa Barbara, California. There is no physical headquarters for Olaplex, Inc.

10. The remaining Defendants are identified as Jane/John Doe Hair Stylist #1-3, ABC, Inc. #1-3, XYZ, LLC #1-3, and XYZ, LLC #4-6. See Exhibit A.

11. Plaintiff's allegations against the fictitious defendants do not affect the fact that there is complete diversity in this case. "[T]he citizenship of defendants sued under fictitious names shall be disregarded." 28 U.S.C. § 1441 (b)(1).

12. Accordingly, for the purposes of Removal, complete diversity of citizenship exists between the parties as Plaintiff and Defendants are citizens of different states.

13. The above-entitled action is one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. § 1332. Petitioners seek to remove this action to this Court under Title 28 U.S.C. § 1441.

14. As required by 28 U.S.C. §§ 1332(a)(1) and 1441(b)(2), complete diversity exists because no defendant properly served is a citizen of the same state as the Plaintiff, and upon information and belief, Plaintiff seeks judgment in a sum greater than \$75,000.

15. Plaintiff's Complaint alleges that as a result of the incident, "Plaintiff sustained severe and multiple injuries, both internal and external, to and about her body, and extremities and/or the aggravation of pre-existing conditions thereto, if any, with injury to her bones, joints, nerves and nervous system, including, but not limited to: scalp, head, hair loss, skin irritation, internal injuries, severe shock to her entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent

and substantial impairment of Plaintiff's bodily functioning that substantially impairs Plaintiff's ability to perform her daily life activities, and the full extent of which is not yet known." See Complaint, Count I, at ¶ 22, Exhibit A. HC Salon and Hair Cuttery, therefore, present a good faith representation to the Court that Plaintiff seeks damages in excess of the amount in controversy requirement of \$75,000.00, in accordance with 28 U.S.C. § 1332.


16. The above-entitled matter is a civil action in which the Plaintiff alleges negligence on the part of Defendants.

17. This Notice of Removal is filed within thirty (30) days of HC Salon's and Hair Cuttery's notice of Plaintiff's Complaint. See 28 U.S.C. § 1446(a) and (b).

18. All Defendants consent to removal.

WHEREFORE, Defendants, HC Salon Holdings, Inc. t/a Hair Cuttery Family of Brands and Hair Cuttery, respectfully request that the above-entitled action be removed from the Superior Court of New Jersey, Gloucester County – Law Division to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1441.

CONNELL FOLEY LLP
*Attorneys for Defendants,
HC Salon Holdings, Inc. t/a Hair Cuttery Family of
Brands and Hair Cuttery*

By: 
Margot N. Wilensky (MW-3181)

